

Calendar No. 423

108th Congress }
1st Session }

SENATE

{ REPORT
{ 108-219

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION REAUTHORIZATION
ACT OF 2003**

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

on

S. 1401

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DECEMBER 9, 2003.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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(II)

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REAUTHORIZATION ACT OF 2003

DECEMBER 9, 2003.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1401]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1401) to reauthorize the National Oceanic and Atmospheric Administration, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1401, the National Oceanic and Atmospheric Administration Authorization Act of 2003, is to authorize the National Oceanic and Atmospheric Administration (NOAA) line offices for a two-year period beginning in fiscal year (FY) 2004, and the Office of Program Planning and Integration, program support activities, an external research program in the Office of Oceanic and Atmospheric Research, and the Office of Education for a five-year period beginning in FY 2004.

BACKGROUND AND NEEDS

In 1970, NOAA was created within the Department of Commerce based in part on the recommendations of the Stratton Commission Report. The agency was formed by combining the Bureau of Commercial Fisheries, the U.S. Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Satellite Center, and the Research Libraries. NOAA is composed of the following six line offices: the National Ocean Service, the National Marine Fisheries Service; the Office of Oceanic and Atmospheric Research; the National Weather Service; the National Environ-

mental Satellite, Data, and Information Service; and the Office of Marine and Aviation Operations.

Congress last approved a general NOAA authorization measure in 1992 (P.L. 102-567). The National Oceanic and Atmospheric Administration Authorization Act of 1992 authorized funding for NOAA programs not authorized under other legislation (e.g. Magnuson-Stevens Fishery Conservation and Management Act) through FY 1993.

The Administration's FY 2004 budget request for NOAA of \$3.326 billion represents an increase of \$74 million above the FY 2003 appropriated level and \$190 million over the FY 2003 Administration request. Within the requested funding level, the Administration proposes essential realignments for a total of \$190 million in program increases in the following six crosscutting themes: Infrastructure, Maintenance, Safety, and Human Capital; Climate Change, Research, Observations, and Services; Energy and Commerce; Ecosystem Forecasting and Management; Environmental Monitoring and Prediction; and Homeland Security.

The Administration's FY 2004 request focuses on core responsibilities. It would continue NOAA's effort to provide increasingly more accurate predictions in weather; provide a greater understanding of long-term climate and environmental trends that can impact daily lives; sustain healthy marine habitats, robust ecosystems, and coastal environments; and address safety and environmental compliance issues impacting NOAA's number one resource - its people. The line offices' budgets in the Administration's request are divided between two primary accounts: the Operations, Research, and Facilities (ORF) account and the Procurement, Acquisition, and Construction (PAC) account. The remainder of the funds are split among various accounts.

S. 1401, as introduced, would authorize NOAA line offices at levels consistent with the Administration's FY 2004 request, with a 3 percent annual increase for FYs 2005 through 2008. It also would authorize a new NOAA business management fund, a volunteer hydrographic services program, an external research program at the Office of Oceanic and Atmospheric Research, the newly established Office of Program Planning and Integration (OPPI), and the Office of Education. As approved by the Committee, S. 1401 would continue to support the core NOAA responsibilities identified by the Administration, and authorizes additional funding for a range of program areas that the Committee believes need increased attention. The bill retains five-year authorizations for OPPI, Program Support, the Office of Education, and the external research program, but provides a two-year authorization (FYs 2004-2005) for the remaining core line offices in anticipation that the upcoming report of the U.S. Commission on Ocean Policy may contain recommendations relevant to these programs. The Committee-reported bill also contains additional authorizations for certain NOAA science and weather-related activities.

National Marine Fisheries Service

The National Marine Fisheries Service (NMFS) is responsible for the management and conservation of living marine resources within the United States' Exclusive Economic Zone, which extends to 200 nautical miles from the coastline. NMFS also supports the

management of living marine resources in the international arena, as well as those under State jurisdiction. The Administration's FY 2004 budget proposes resources to fulfill a multi-year commitment to improve NMFS structure, processes, and business approaches to meet the mission of sustaining the nation's living marine resources. This initiative is intended to further improve NMFS's science, management, and enforcement programs and continue rebuilding its aging infrastructure.

The Administration's FY 2004 budget request for the ORF account is \$621 million, an increase of \$40.9 million above the FY 2003 enacted level. The FY 2004 request for the PAC account is \$14 million, primarily to fund the replacement of the Honolulu laboratory and renovate the Galveston, Texas, fisheries laboratory.

As reported, the bill would provide an increase for FY 2004 authorizations for the NMFS ORF account by \$110 million over the FY 2003 enacted level. While the Administration's request represented an increase above the FY 2003 enacted amount, testimony before the Committee and recent budget reviews indicate that pressing science, research, and management needs for NMFS's fisheries, marine mammals, and other protected species programs exceed the levels proposed. This is especially true as lawsuits and resulting information needs have increased. Funding shortfalls in these areas have been exhaustively documented in reports such as the 2002 National Administration of Public Administration Report, *Courts, Congress, and Constituencies: Managing Fisheries by Default*, and the report prepared for the NOAA Deputy Under Secretary in 2000, *An Independent Assessment of the Resource Requirements for the National Marine Fisheries Service*. Particular areas identified as requiring additional funding are: collection and analysis of socioeconomic data; improved stock assessments for fisheries and marine mammals; cooperative research, cooperative enforcement and Vessel Monitoring Systems (VMS); marine mammal research; observers; bycatch reduction; and compliance with procedural and analytical requirements such as the National Environmental Policy Act (NEPA).

It is the Committee's intent that NOAA considers the relative needs and urgency among regions for stock assessment and cooperative research when determining priorities for allocating funding increases for these activities. The Committee notes that stock assessments in the Pacific Northwest region have historically been conducted with less frequency than in other regions due to insufficient funds, although other factors (e.g., status of fisheries, ecosystem change, regulatory adaptability, etc.) also should be considered when determining the need for and urgency of conducting stock assessments. The Committee also notes that some cooperative research programs in the Northeast region are facilitating progress (e.g., monkfish and herring), and cooperative research programs should be expanded in all regions.

National Ocean Service

The National Ocean Service (NOS) is the primary Federal agency working to preserve America's coastal resources through the observation, measurement, assessment, and management of the nation's coastal and ocean areas. Federal agencies, State and county governments, scientists, and others involved in coastal and ocean-re-

lated work depend on NOS scientific data, technical assistance, and coordination. Some of the NOS's science activities include understanding and predicting impacts on sensitive habitats, studying natural disasters, determining how climate change may affect our lives, and investigating the causes of harmful algal blooms, such as red tides and toxic *Pfiesteria piscicida*.

The Administration's FY 2004 request for the ORF account is \$391 million, a decrease of \$26.9 million below the FY 2003 enacted level. The request for the PAC account is \$20 million, which will in part fund construction and acquisition for the National Estuarine Research Reserve program and the National Marine Sanctuary program.

The bill would increase authorizations for NOS by a total of \$210 million above the FY 2004 requested level. The increase includes \$110 million for the ORF account for such core activities as reducing the hydrographic survey backlog, increased shoreline mapping and coastal technologies, coastal observing systems, Coastal Zone Management, and the coastal research and services that are essential to resource management and marine operations. An additional \$100 million would be authorized for the PAC account for certain construction and acquisition purposes, including laboratories, National Marine Sanctuaries, National Estuarine Research Reserves, and coastal land protection activities. The increase also conforms to increased funding levels authorized in legislation either approved by the Committee or strongly supported by Committee members in the 108th Congress. These include: S. 241, the Coastal Zone Enhancement and Reauthorization Act of 2003; S. 247, the Harmful Algal Bloom and Hypoxia Amendments Act; S. 861, the Coastal and Estuarine Land Protection Act; and S. 1400, the Ocean and Coastal Observation Systems Act.

Oceanic and Atmospheric Research

The Office of Oceanic and Atmospheric Research (OAR) (also known as "NOAA Research") conducts the scientific research, environmental studies, and technology development needed to improve NOAA's operations and broaden our understanding of the Earth's atmospheric and marine environmental systems. The NOAA research budget activity supports joint programs with other Federal agencies, including the U.S. Weather Research Program, U.S. Global Change Research Program, Health of the Atmosphere, and Ocean Exploration. NOAA Research also leads in programs such as Climate Observations and Services, High Performance Computing and Communications, and other environmental programs that examine a number of climate, atmospheric, and ocean interactions.

The Administration's FY 2004 request for the ORF account is \$366.5 million, a decrease of \$8.24 million below the FY 2003 enacted level. The request for the PAC account is \$14.1 million, which is to fund high-performance computing at the Geophysical Fluid Dynamics Laboratory (GFDL).

The bill would increase authorizations in FY 2004 for the OAR ORF account by \$45.4 million above the Administration's request to address the funding needs of a variety of activities strongly supported by the Committee, such as monitoring and prediction of long-term climate change, efforts to understand and forecast severe weather events, ocean observing systems, and studies of coastal

and marine health. The increase also would be for important OAR research and education programs, such as NOAA's National Sea Grant College Program, Undersea Research Program, Office of Ocean Exploration, the new National Invasive Species Act program, and coastal science programs. This increase also conforms the bill to the Committee's approved FY 2004 authorization level of \$75 million for the Sea Grant program (over \$17 million more than the \$57.4 million proposed by the Administration).

National Weather Service

The National Weather Service (NWS) provides weather, water, and climate forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. The NWS strives to mitigate the impacts of weather related hazards through improved weather warning and forecast services. The Administration's FY 2004 budget request for the NWS continues to focus resources toward improving its core performance measures including: tornado warning lead times (11 minutes); flash flood warning accuracy (86 percent); winter storm warning accuracy (88 percent); 48 hour hurricane track error (138 nautical miles); 3 day precipitation forecast accuracy (19 percent); aviation ceiling and visibility forecast accuracy (19 percent); marine wind and wave forecast accuracy (54 percent); and U.S. seasonal temperature forecast accuracy (21 Heidke skill score).

The Administration's request for the NWS ORF account is \$721 million, and the request for the PAC account is \$99.1 million. The requested funding would continue funding of the Next Generation Weather Radar (NEXRAD) product improvement activities, initiate efforts to replace the NWS Telecommunications Gateway switching system, establish a Coastal Global Ocean Observing System, and help automate the collection and dissemination of civil emergency messages over the NOAA weather radio system. The budget request for the PAC account also included \$14 million for Weather Forecast Office construction and the NOAA Center for Weather and Climate Prediction.

The bill would increase the NWS ORF account for FY 2004 by \$24.1 million. The increase includes \$20 million to support additional data buoys needed to provide further support for coastal observations and essential data on ocean and climate conditions. The authorization level also includes \$4.3 million for wind profilers, which had been funded by Congress in FY 2002, but were not contained in the Administration's FY 2004 request. This network supports important tornado detection activities, which have successfully improved weather warnings and forecasts nationally.

National Environmental Satellite, Data, and Information Service

The National Environmental Satellite, Data, and Information Service (NESDIS) operates the nation's operational environmental satellite system, composed of the Geostationary Operational Environmental Satellites (GOES) and the Polar-orbiting Operational Environmental Satellites (POES), providing the U.S. space-based component of a global environmental monitoring system. NESDIS also manages the largest collection of atmospheric, geophysical, and oceanographic data in the world. Additionally, on behalf of the De-

partment of Commerce, NESDIS licenses the operation of private remote-sensing space systems. The total budget request for the ORF account for FY 2004 is \$150.3 million.

The request for the PAC account is \$687.2 million. This funding is requested to support GOES I-M; continue procurement of the GOES-N series; continue development of the National Polar-Orbiting Environmental Satellite System (NPOESS) instrumentation; continue production and launch of NOAA Polar K - N; provide backup capability for all critical satellite products and services; and foster the development and deployment of technologies to meet long-standing NOAA requirements for observations of coastal zones.

The bill would fund the NESDIS PAC account at \$698.2 million. Of this amount, a \$10.5 million increase is provided over the Administration's FY 2004 request for NPOESS, which is merging the nation's civil and military weather satellites into a single national system and is scheduled for full availability in FY 2009. The increase in authorized funding would keep NPOESS on schedule and reduce the risk of a data gap that could occur if current satellites are not replaced on schedule. The remaining \$0.5 million is included to conform the bill to the Administration's FY 2004 request for GOES.

Office of Marine and Aviation Operations

The Office of Marine and Aviation Operations (OMAO) uses ships and aircraft to collect data required to meet NOAA's mission and provides operational, technical, and management support to NOAA programs through the NOAA Commissioned Corps. OMAO operates and maintains NOAA's fleet of 16 research and survey ships and 13 aircraft, and assists with outsourcing for ship and aircraft support.

The Administration's FY 2004 request for the ORF account is \$109.1 million. The Administration's FY 2004 request for the PAC account is \$9.1 million, which is a decrease from \$62.5 million for FY 2003 when a new fishery survey vessel was funded. The FY 2004 funding is requested to comply with aircraft regulatory and safety upgrades, replace the Turbo Commander aircraft used to forecast weather, and upgrade the navigational system on the WP-3D aircraft.

The bill would increase authorizations for the OMAO PAC account to \$67.3 million, \$58.2 million above the FY 2004 budget request, for continued recapitalization of the NOAA fleet through the procurement of a new fishery research vessel and retrofitting another vessel to do work in the Western Pacific. The OMAO ORF account authorization would be \$115.1 million, an increase of \$6 million above the FY 2004 budget request, to fund the operation of the retrofitted vessel.

Program Support

Program support is comprised of three distinct sub-activities, which provide assistance to: 1) Corporate Services; 2) Facilities; and 3) the OMAO. The Corporate Services sub-activity covers NOAA's Under Secretary and Associate Offices and its Policy Formulation and Direction functions. The Facilities sub-activity provides funding to address facility compliance issues NOAA-wide.

The OMAO sub-activity provides support to NOAA programs through the operation of NOAA ships and aircraft, as well as by outsourcing these activities.

The Administration's request for Program Support for the ORF account is \$232.5 million for FY 2004, and the request for the PAC account is \$10.0 million, while the request for Other Program Support is \$190.5 million.

LEGISLATIVE HISTORY

S. 1401 was introduced by Senators McCain and Snowe on July 14, 2003, and was referred to the Senate Committee on Commerce, Science, and Transportation. On July 17, 2003, the bill was considered by the Committee in an open executive session. The Committee ordered S. 1401 to be reported with four amendments.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2003.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1401, the National Oceanic and Atmospheric Administration Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 1401—National Oceanic and Atmospheric Administration Reauthorization Act of 2003

Summary: S. 1401 would authorize the appropriation of \$3.8 billion in 2004 and \$4.1 billion in 2005 for operations, research, facilities, and procurement programs carried out by the National Oceanic and Atmospheric Administration (NOAA). The bill also would authorize the appropriation of between \$300 million and \$337 million annually through 2008 for NOAA program planning and support, including \$2 million to \$3 million a year for a new office of education. Finally, section 206 would authorize NOAA to operate its marine lab in South Carolina in partnership with that state and with with local educational institutions, and to charge and spend lab use fees to support cooperative research.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1401 would cost \$2.4 billion in 2004 and \$9.3 billion over the 2004–2008 period. (About \$170 million

would be spent after 2008). Charging and using fees at the marine laboratory in South Carolina would increase both offsetting receipts and direct spending, but CBO estimates that such transactions would have no significant net effect on the federal budget.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1401 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the amounts authorized by the legislation will be appropriated for each fiscal year and that outlays will follow historical spending patterns for NOAA activities. CBO estimates that any offsetting receipts earned by the marine lab in South Carolina under section 206 would be less than \$500,000 a year and would be largely offset by additional direct spending.

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spender Under Current Law for NOAA operations, research, facilities, and procurement:						
Budget Authority ¹	3,183	0	0	0	0	0
Estimated Outlays	2,827	1,157	390	114	30	30
Proposed Changes:						
Authorization Level	0	4,066	4,426	320	330	340
Estimated Outlays	0	2,390	3,677	1,838	925	480
Spending Under S. 1401 for NOAA operations, research, facilities, and procurement:						
Authorization Level ¹	3,183	4,066	4,426	320	330	340
Estimated Outlays	2,827	3,547	4,067	1,952	955	510

¹ The 2003 level is the amount appropriated for that year NOAA operations, research, facilities, and procurement.

Intergovernmental and private-sector impact: S. 1401 contains no intergovernmental or private-sector mandates as defined in UMBRA and old impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1401, as reported, would authorize NOAA line offices for a two-year period and various programs for a five-year period beginning in FY 2004. It does not require any new regulations and therefore should not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

This legislation would not have an adverse impact on the nation's economy. S. 1401 would authorize a total of \$3,764,393,000 in FY 2004 and \$4,014,509,000 in FY 2005 for the NWS, OAR, NESDIS, NOS, NMFS, and OMAO. For the Office of Program Planning and Integration, program support activities, an external research program in OAR, and the Office of Education, S. 1401 would authorize a total of \$301,800,000 in FY 2004, \$335,900,000 in FY 2005, \$350,100,000 in FY 2006, \$364,800,000 in FY 2007, and \$379,600,000 in FY 2008. These funding levels also would allow NOAA to continue its missions to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet the nation's economic, social, and environmental needs.

PRIVACY

The reported bill should not have any adverse impact on the personal privacy of individuals.

PAPERWORK

S. 1401 would not impose any new paperwork requirements on private citizens, businesses, or other entities that do not choose to participate in a NOAA program; representatives of entities choosing to participate in these programs may be subject to some changes in the paperwork requirements of the program.

SECTION-BY-SECTION ANALYSIS

Section. 1. Short Title

Section 1 would entitle the bill as the "National Oceanic and Atmospheric Administration Authorization Act of 2003".

Sec. 2. Table of Contents

Section 2 would provide the "Table of Contents" for the bill.

Sec. 3. Definitions

This section would define certain key terms applicable to the bill including "Administrator" and "Secretary".

Sec. 101. National Weather Service

Subsection (a) would authorize the ORF activities of the NWS at \$745.1 million for FY 2004 and \$819.6 million for FY 2005.

Subsection (b) would authorize the PAC activities of the NWS at \$99.1 million for FY 2004 and \$102 million for FY 2005.

Sec. 102. Oceanic and Atmospheric Research

Subsection (a) would authorize the ORF activities of the OAR at \$411.9 million for FY 2004 and \$453.1 million for FY 2005.

Subsection (b) would authorize the PAC activities of the OAR at \$14.1 million for FY 2004 and \$14.5 million for FY 2005.

Sec. 103. National Environmental Satellite, Data, and Information Service

Subsection (a) would authorize the ORF activities of the NESDIS at \$150.3 million for FY 2004 and \$154.8 million for FY 2005.

Subsection (b) would authorize the PAC activities of the NESDIS at \$698.2 million for FY 2004 and \$768 million for FY 2005.

Sec. 104. National Ocean Service

Subsection (a) would authorize the ORF activities of the NOS at \$501.1 million for FY 2004 and \$551.2 million for FY 2005.

Subsection (b) would authorize the PAC activities of the NOS at \$120 million for FY 2004 and \$132 million for FY 2005.

Sec. 105. National Marine Fisheries Service

Subsection (a) would authorize the ORF activities of the NMFS at \$731 million for FY 2004 and \$804.1 million for FY 2005.

Subsection (b) would authorize the PAC activities of the NMFS at \$14 million for FY 2004 and \$14.4 million for FY 2005.

Subsection (c) would authorize other necessary activities for NMFS at \$97.2 million for FY 2004 and \$100.1 million for FY 2005.

Sec. 106. Office of Program Planning and Integration

This section would authorize the ORF activities for the Office of Program Planning and Integration at \$2.7 million for FY 2004, \$2.8 million for FY 2005, \$2.9 million for FY 2006, \$3.0 million for FY 2007, and \$3.0 million for FY 2008.

Sec. 107. Program Support

This section would authorize the program support activities at NOAA at \$296.8 million for FY 2004, \$305.7 million for FY 2005, \$314.8 million for FY 2006, \$324.3 million for FY 2007, and \$334 million for FY 2008.

Sec. 108. Office of Marine and Aviation Operations

Subsection (a) would authorize the ORF activities for the Office of Marine and Aviation Operations at \$115.1 million for FY 2004 and \$126.6 million for FY 2005.

Subsection (b) would authorize the PAC activities for the Office of Marine and Aviation Operations at \$67.3 million for FY 2004 and \$74.1 million for FY 2005.

Sec. 201. Establishment of Business Management Fund

Subsection (a) would establish the Business Management Fund for expenses and equipment necessary for the maintenance and operations of services and projects deemed necessary by the Administrator.

Subsection (b) would require the Administrator to maintain a separate schedule of expenditures and reimbursements for the Fund, along with an annual statement of current assets and liabilities of the Fund prepared at the close of each fiscal year.

Subsection (c) would allow the Fund to be credited with advances and reimbursements from applicable appropriations and from funds of other agencies or entities for services furnished pursuant to law. Any inventories, equipment, systems, real property, and other assets over \$25,000 would be used to capitalize the fund.

Subsection (d) would provide for centralized services at rates which return, in full, the cost of salaries and accruing benefits and the annual costs equal to projected inflation, not to exceed 4 percent necessary to maintain a reasonable operating reserve.

Subsection (e) would provide for the Fund to become operational on October 1, 2003.

Sec. 202. External Research Program

Subsection (a) would require the Administrator to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, at the time of the FY 2005 budget request, for the establishment of an external research program within OAR. The report shall include a plan that supports funding levels for external research of \$25 million for FY 2005, \$30 million for FY 2006, \$35 million for FY 2007, and \$40 million for FY 2008.

Subsection (b) would require the report to include a management plan for the external research program whose purpose shall be to provide funding for merit based, peer-reviewed research grants and contracts to public and private organizations that will improve the efficiency and coverage of the nation's operational observing system and accelerate the direct transfer of research results into operational programs at NOAA providing operational weather monitoring, analysis, and forecasting services to the nation. The management plan also would be required to include a strategy to commit NOAA to spending 50 percent of new research funds (exclusive of adjustments to base) within the external community via a merit-based, peer review process.

Subsection (c) would require the report to include a mechanism for involving the public and private organizations in the planning and execution of the external research program.

Subsection (d) would require an annual report from the Administrator to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources and the House of Representatives Committee on Science on the progress within NOAA of the transition of research results into operational products and services.

Sec. 203. Hydrographic Service Volunteers

This section would amend section 303 of the Hydrographic Services Improvement Act of 1998 (P.L. 105-384) by adding the following new subsections:

New subsection (d) would authorize the Administrator to establish a volunteer program. It also would authorize the Administration to enter into special agreements with qualified organizations to implement that program, and provide funding as necessary to the qualified organization for assisting in the implementation of a volunteer program.

New subsection (e) would require that paragraphs (1) through (5) of section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) apply to volunteers under subsection (c) of this section.

New subsection (f) would clarify that a qualified organization would be non-governmental, not-for-profit, and would be determined to have demonstrated expertise in boating safety and a com-

mitment to improving the quality of hydrographic services and related oceanographic and meteorological information.

Sec. 204. Establishment of an Office of Education

Subsection (a) would require the Administrator to establish within NOAA an Office of Education and to consider education a central part of NOAA's mission. The purpose of the office would be to coordinate and promote educational missions for all NOAA programs to better facilitate public awareness of oceanic and atmospheric systems.

Subsection (b) would authorize funding to carry out the activities of the office at \$2.3 million for FY 2004; \$2.4 million for FY 2005; \$2.4 million for FY 2006; \$2.5 million for FY 2007; and \$2.6 million for FY 2008.

Sec. 205. NOAA Corps Authorized Number of Officers

This section would amend section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 to increase the maximum number of NOAA Corps officers by striking "285" in paragraph 2 and inserting "375", and striking "299" in paragraph 3 and adding "375".

Sec. 206. Federal-State Partnership Operations

Subsection (a) would authorize the Secretary to operate the NOAA marine lab as a partnership for collaborative, interdisciplinary marine scientific research.

Subsection (b) would allow the members of the lab partnership to use Federal, State, private, and grant funds to further the mission of the lab. It also would permit lab partners to seek and hold patents and share personnel, facilities, and property.

Subsection (c) would allow any collected or accepted funds of any partner to be used to cover costs, reimburse participating agencies for their costs, and fund research and facilities expansion.

Subsection (d) would allow lab funds to be used for the operation of partners' labs. The Secretary would be authorized to charge fees and form agreements with Federal, State, and private entities; these funds would be used to support lab research, operations, and enhancement.

Sec. 207. Cyclone Reconnaissance Review

Subsection (a) would require the Secretaries of Commerce and Defense to review the management plans for continued tropical cyclone surveillance and reconnaissance development to determine: if the plans provide adequate coverage and protection of citizens in coastal areas; the appropriate roles and responsibilities for the Departments of Commerce and Defense; and any additional funding or other resources that are necessary for these plans.

Subsection (b) would require the Secretaries of Commerce and Defense to submit their findings to Congress within 90 days of enactment.

Subsection (c) would require that NOAA not accept any responsibility for the duties of the U.S. Air Force Reserve 53rd Weather Reconnaissance Squadron until 30 days after the Secretaries of Commerce and Defense provide Congress with a plan for NOAA and Air Force Reserve mission performance and aircraft use.

Sec. 208. NEXRAD Radar Facility Study

Subsection (a) would allow the Secretary to conduct studies on the placement of NEXRAD radar facilities in areas that are not currently covered by this radar, many of which are in the Western United States. Each study would identify possible facility placement locations to optimize the coverage of currently uncovered areas.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in roman):

HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998**SEC. 303. FUNCTIONS OF THE ADMINISTRATOR.**

[33 U.S.C. 892A]

(a) **RESPONSIBILITIES.**—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

- (1) acquire and disseminate hydrographic data;
- (2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;
- (3) promulgate standards for hydrographic services provided by the Administration;
- (4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;
- (5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;
- (6) provide hydrographic services in uniform, easily accessible formats;
- (7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and
- (8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) **AUTHORITIES.**—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

- (1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;
- (2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency.

(c) **CONSERVATION AND MANAGEMENT OF COASTAL AND OCEAN RESOURCES.**—Where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Secretary may use hydrographic data and services to support the conservation and management of coastal and ocean resources.

(d) **AUTHORITY TO ACCEPT VOLUNTEER SERVICES.**—*To help fulfill the duties of the Administrator, including authorities under the Act of 1947, this Act, or in response to a maritime emergency, the Administrator may—*

(1) establish a volunteer program;

(2) enter into special agreements with qualified organizations to assist in the implementation of a volunteer program; and

(3) provide funding under the special agreement to the qualified organization for the purposes of assisting in the administration of the volunteer programs and for procuring and maintaining insurance or other coverage for the organization and its members when conducting volunteer activities.

(e) **LEGAL STATUS OF VOLUNTEERS.**—*Paragraphs (1) through (5) of section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) shall apply to volunteers providing services to the Administrator under subsection (c) of this section, except that any reference in that section to the Secretary of the Interior or the Secretary of Commerce shall be deemed to refer to the Administrator.*

(f) **QUALIFIED ORGANIZATION.**—*In this section, the term “qualified organization” means a non-governmental, not-for-profit organization, determined by the Administrator to have demonstrated expertise in boating safety and a commitment to improving the quality of hydrographic services and related oceanographic and meteorological information that is made available to mariners.*

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SEC. 215. AUTHORIZED NUMBER FOR FISCAL YEARS 2003 THROUGH 2005.

[33 U.S.C. 3005]

There are authorized to be on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration—

(1) 270 officers for fiscal year 2003;

(2) [285] 375 officers for fiscal year 2004; and

(3) [299] 375 officers for fiscal year 2005.

